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Form: HR 70-3
Date: _____ By: _____

LS 6-0799a

9 July 1956

MEMORANDUM FOR: Deputy Director (Intelligence)

25X1A9A ATTENTION : [REDACTED]

25X1A SUBJECT : Proposed Revision of [REDACTED]

25X1A 1. In accordance with my conversations with [REDACTED] 5X1A9A
Friday and with [REDACTED] several weeks ago, we return
herewith the proposed revision [REDACTED] Comments on specific 25X1A9A
provisions, set forth below, are directed to certain legal objections,
an attempt to clarify certain points and to an effort to shorten
the regulation.

a. The definition of "restricted data" (paragraph 2a)
tends to obscure one feature of that definition, as pre-
scribed by the Atomic Energy Act, which is of the most
significance to this Agency, namely, that the Atomic
Energy Commission will

"remove from the Restricted Data category such
information concerning the atomic energy programs
of other nations as the Commission and the Director
of Central Intelligence jointly determine to be
necessary to carry out the provisions of section
102(a) of the National Security Act of 1947, as
amended, and can be adequately safeguarded as
defense information" (Section 142(c), Atomic Energy
Act of 1954, as amended).

This obscurity could be removed if the proposed definition
spelled out, by the language quoted above, section 142 of the
Act, rather than merely referring to that section. Suggest
the subparagraph read as follows:

"The term 'restricted data' means all data concerning
(1) design, manufacture, or utilization of atomic
weapons; (2) the production of special nuclear material;

or (3) the use of special nuclear material in the production of energy. It shall not include such information concerning atomic energy programs of other nations as the Atomic Energy Commission and the Director of Central Intelligence jointly determine to be necessary to carry out the provisions of Section 102(d) of the National Security Act of 1947, as amended, and can be adequately safeguarded as defense information or other information declassified or removed from the restricted data category by the Atomic Energy Commission."

b. Also with respect to the definition of "restricted data", the last sentence of the proposed definition would be in order only if the Atomic Energy Commission and the Director have reached an agreement authorized by Section 142(e). We understand no such agreement has been reached.

c. Query whether paragraphs 3c and 3e, concerning the validity of a "Q" clearance upon transfer to or from this Agency or to different components within the Agency, are necessary since the Office of Security can control transfers and clearances.

d. Paragraph 4a(2) appears to duplicate paragraph 5a. In any event we would wonder whether any of paragraph 4a is necessary since the responsibilities prescribed are obvious concomitants of the authority of a Deputy Director (and of other supervisors).

e. Paragraph 4b(1) charges the Assistant Director of Scientific Intelligence with establishing procedures for the control of restricted data, but the regulation (paragraph 6) also prescribes such procedures. One of the two provisions appears unnecessary and we understand 4b(1) is the one which should go.

f. Paragraph 4c appears to prescribe responsibilities which go without saying, that is, they are so peculiarly the responsibilities of the Security Office that they need not be spelled out.

g. Query whether the reference in paragraph 4c(2) to "any suspected or possible compromise" is too broad to be useful.

h. The last sentence of paragraph 4f might more precisely state its intention if the words "for determination or disposition" were omitted. Also suggest this paragraph would be more informative if the title read "Employees not Possessing 'Q' Clearance."

i. Suggest paragraph 5c be omitted. The first sentence applies only to the Director of Security and does not require a regulation. The last sentence, if it need be stated at all, could be included in the notification forwarded by the Director of Security.

j. Paragraph 6b appears unnecessary since only the Chief, MED/OSI is regulated by it.

k. Paragraph 6c(2) and paragraph 3b tend to duplicate. Perhaps one of the two should be omitted.

l. With reference to paragraph 6c(3) should it not be enough that the sender satisfy himself that the recipient has "Q" clearance?

m. Paragraph 6e(1) appears to duplicate or conflict with paragraph 3a or to do both.

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Assistant General Counsel 25X1A9a

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cc: 

Regulations Control Staff